

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**TOD CURTIS, individually and as beneficiary,** )  
**FIRST UNITED TRUST COMPANY, as** )  
**Trustee under Trust No. 10510, and ELTO** )  
**RESTAURANT INC, an Illinois corporation,** )

**Plaintiffs,** )

**v.** )

Case No.: 08-cv-03527

**IRVANA K. WILKS, Village of Mount** )  
**Prospect Mayor and Local Liquor Control** )  
**Commissioner, MICHAEL E. JANONIS,** )  
**Village of Mount Prospect Manager,** )  
**WILLIAM COONEY, Village of Mount** )  
**Prospect Economic Director, WILLIAM** )  
**SCHROEDER, Village of Mount Prospect** )  
**Building Commissioner, ROBERT ROELS,** )  
**Village of Mt. Prospect Environmental Health** )  
**Manager, FRANK KRUPA, Village of Mount** )  
**Prospect Environmental Health Inspector, OZ** )  
**DEVELOPMENT, LLC and the VILLAGE OF** )  
**MOUNT PROSPECT,** )

Judge Guzman

Magistrate Judge Nolan

**Defendants.**

**PROPOSED JOINT DISCOVERY PLAN**

Pursuant to Federal Rule of Civil Procedure 26(f), Plaintiffs, Tod Curtis, individually and as beneficiary, First United Trust Company, as Trustee under Trust No. 10510, and Elto Restaurant, Inc., and Defendants, Irvana K. Wilks, Michael E. Janonis, William Cooney, William Schroeder, Rober Roels, Frank Krupa, Oz Development LLC, and the Village of Mount Prospect (collectively, the "Parties"), through their counsel of record, propose the following Discovery Plan:

1. **Pre-discovery Disclosures.** The Parties propose disclosures be made pursuant to Rule 26(a)(1) by October 15, 2008.

2. **Discovery Plan.** The Parties propose the following discovery deadlines:

a. **Fact discovery.** The Parties propose the following deadlines for fact discovery:

(i) The Parties shall exchange written discovery requests by November 17, 2008;

(ii) The Parties shall answer the written discovery requests by December 15, 2008;

(iii) The Parties shall serve all notices or subpoenas for fact witness depositions by January 15, 2009;

(iv) The Parties shall take all fact witness depositions by May 15, 2009;

(v) The Parties propose that fact discovery shall be closed on May 15, 2009; and

(vi) The Parties shall complete all supplemental discovery pursuant to Federal Rule of Civil Procedure 26(e) by July 15, 2009.

b. **Expert disclosures pursuant to Rule 26(a)(2).** The Parties propose the disclosure of experts proceed as follows:

(i) The Parties shall disclose experts and expert reports by June 15, 2009;

(ii) The Parties shall disclose rebuttal experts and their expert reports by July 31, 2009; and

- (iii) Expert discovery, including document discovery and depositions, shall be completed by August 31, 2009.

c. **Other items:**

- (i) **Suspension of limit on depositions.** The Parties propose that the limit on the number of depositions in Federal Rule of Civil Procedure 30 be suspended for this case.
- (ii) **Settlement.** Plaintiffs have made a demand on Defendants to settle Plaintiffs claims, and the Parties are assessing whether settlement discussions are feasible.
- (iii) **Dispositive motions.** The Parties propose they shall have until September 30, 2009 to file dispositive motions, November 2, 2009 to file response briefs to dispositive motions, and November 30, 2009 to file reply briefs in support of dispositive motions.
- (iv) **Joint pretrial order.** The Parties propose the joint pretrial order be filed by January 15, 2010. This date is suspended if the dispositive motions are timely filed and briefing and argument needs to be completed. The disclosures required by Rule 26(a)(3) shall be made in the joint pretrial order.
- (v) **Trial.** The Parties estimate that this case should take approximately ten (10) trial days.

(vi) **Extension or modification of the Discovery Plan and Scheduling Order.** The Parties propose that all dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion to the Court for good cause shown or by the Court.

Respectfully submitted,

s/ William M. McErlean

William M. McErlean  
BARNES & THORNBURG LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606

s/ John J. Foley

John J. Foley  
MAURIDES & FOLEY, L.L.C.  
2 North LaSalle Street  
Suite 1800  
Chicago, Illinois 60602

s/ Allen Wall

Allen Wall  
KLEIN, THORPE & JENKINS, LTD.  
20 North Wacker Drive  
Suite 1660  
Chicago, Illinois 60606-2903